

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas

UNITED STATES DISTRICT COURT

AUG 1 2019

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Jorge Luis GARZA III / II A

YOB: 1984 COB: United States 8/14/19

Case No. 11-19-1808-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/30/2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(g)(1)

Possession of a firearm or ammunition, which has affected interstate commerce, by an individual having been convicted of a felony

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.Approved:
Robert Wells 2 twa
8/1/2019
Complainant's signatureJoshua Wedesky - ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

August 1, 2019 2:22 pm

Judge's signature



City and state:

McAllen, TexasU.S. Magistrate Peter Ormsby
Printed name and title

ATTACHMENT A

I, Special Agent Joshua Wedesky, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since March 2015.

My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who has been convicted of a crime punishable by more than one year in prison to possess a firearm or ammunition that has affected interstate or foreign commerce.

1. On Wednesday, July 31, 2019, your affiant received information from Edinburg Police Department investigators that Jorge Luis Garza III (hereinafter referred to as GARZA) was arrested the previous day (Tuesday, July 30, 2019) after a traffic stop was conducted on a vehicle GARZA was driving, and a substance believed to be cocaine was found inside the vehicle. Shortly after GARZA was arrested, Edinburg Police Department investigators made contact with the wife of GARZA at their residence in Edinburg, Texas. The wife of GARZA (owner/renter of the apartment) granted written consent to investigators to search the apartment. Edinburg Police Department investigators located twenty-six (26) rounds of CCI 22 Long Rifle (caliber) ammunition and one (1) round of Federal 22 Long Rifle ammunition in the kitchen of the apartment. A Smith and Wesson, 22 caliber magazine was also found inside the residence, along with a nylon pistol holster.

2. Also on Wednesday, July 31, 2019, your affiant, along with an Edinburg Police Department investigator, conducted a custodial interview of GARZA. After being advised of his Miranda Rights, GARZA waived those rights and agreed to speak with investigators. GARZA stated during the interview that he had received the

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ATTACHMENT A

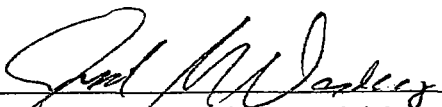
ammunition from an unidentified friend approximately two (2) weeks prior, and GARZA had kept the ammunition at the apartment. GARZA also admitted that he was a convicted felon and knew that he could not possess firearms. GARZA stated that he was released from prison approximately two (2) years ago after being convicted for his most recent felony.

3. A criminal history query revealed that GARZA has multiple felony convictions, to include the following felony conviction:


- April 15, 2010, convicted of Aggravated Assault (Second Degree Felony)

Judgment of conviction documentation has been obtained confirming the felony conviction for GARZA. This felony conviction shows that GARZA was convicted of a crime punishable for up to a year or more in prison.

4. An ATF Interstate Nexus Expert was contacted for verbal Interstate Nexus determination on the ammunition that was located inside the residence. The ATF Interstate Nexus Expert determined that the ammunition was found to be manufactured outside of the state of Texas and affects interstate or foreign commerce. The ammunition is involved in a violation of 18 USC § 922(g)(1).


Joshua Wedesky - ATF Special Agent

Sworn to before me and subscribed in my presence,


U.S. Magistrate Peter Ormsby

August 1, 2019